

the amount of the debt in question was actually \$936.00. She claims that this conduct violated FDCPA § 1692e(2)(A), which prohibits a debt collector from making a “false representation of the character, amount, or legal status of any debt.” 15 U.S.C. § 1692e(2)(A). Defendant moves to dismiss on the grounds that the claim is barred by the applicable one-year statute of limitations.

A complaint will survive a motion under Rule 12(b)(6) if it states “sufficient factual allegations, accepted as true, to ‘state a claim for relief that is plausible on its face.’” Ashcroft v. Iqbal, 129 S.Ct. 1337, 1349 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). The Third Circuit, following Twombly and Iqbal, has held that Rule 8(a) “requires not merely a short and plain statement, but instead mandates a statement ‘showing that the pleader is entitled to relief.’” Phillips v. County of Allegheny, 515 F.3d 224, 234 (3d Cir. 2008). In a Rule 12(b)(6) motion, the Court is limited in its review to a few basic documents: the complaint, exhibits attached to the complaint, matters of public record, and undisputedly authentic documents if the complainant’s claims are based upon those documents. See Pension Benefit Guar. Corp. v. White Consol. Indus., 998 F.2d 1192, 1196 (3d Cir. 1993).

Claims under the FDCPA must be brought within “one year from the date on which the alleged violation occurs.” 15 U.S.C. § 1692k(d). In this case, according to the factual averments of the Complaint, the alleged FDCPA violation occurred on or about December 15, 2011, the date of the allegedly unlawful letter. The FDCPA claim, however, was not filed until December 28, 2012. For Plaintiff’s claim to be timely, it would have to have accrued on or after December 28, 2011. Even factoring in mailing time to assume Plaintiff’s receipt of the December 15, 2011 letter several days after it was dated, the facts pled in the Complaint make it clear that the alleged violation of the FDCPA occurred before December 28, 2011. See Skinner v. Asset Acceptance,

LLC, 876 F.Supp.2d 473, 477 (D.N.J. 2012) (holding that FDCPA violation requires a “discrete act”). Accepting as true the factual allegations made in the Complaint, the Court concludes that it is clear that this action was filed after the expiration of the one-year limitations period. It must accordingly be dismissed.

An appropriate Order will be filed together with this Opinion.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: April 15, 2013